

Appl. No. : 09/251,218
Filed : February 16, 1999

REMARKS

The following remarks are responsive to the June 14, 2006 Office Action. Please reconsider the claims in view of the following remarks.

Telephone Interview with Examiner on 2/27/07

Applicant held a telephone interview with the Examiner on February 27, 2007 during which the Gale reference was discussed. In the telephone interview, Applicant's attorney pointed out that the Gale reference has only six lines of relevant disclosure and that this disclosure does not include many of the elements specifically claimed. As an example the Applicant's attorney pointed out that claim 1 calls for a three-dimensional representation of the product and a product display module configured to display the changed product presentation comprising user selected alterations. In other words in response to requested changes the three dimensional product presentation is changed to display the product with the requested changes. The Gale reference states that "the customer creates the specs and sets in motion the manufacture of the specific customized vehicle." There is no reference to a three dimensional product presentation or to changes to be made to the product presentation. Applicant's attorney further pointed out the proposed amendment made to claim 1 now even more clearly distinguishes the claim from the Gale reference. The Examiner requested that a response be filed pointing out these distinctions and the Examiner indicated that he would review this response within 7 days of receipt.

PREVIOUS WITHDRAWAL FROM APPEAL

An appeal brief was filed in this case on November 11, 2003. The case was improperly held to be abandoned on April 16, 2004. After the notice of abandonment was withdrawn the Examiner withdrew this case from appeal to make a 35 USC 112 rejection. After the 112 rejection was overcome the Examiner issued another office action (two years after the appeal brief was filed) citing a new reference, the Gale reference, which has very little to do with the subject matter claimed. An outline of the history of the events relating to the appeal brief and thereafter is set forth below.

May 30, 2003	REJECTION OF ALL CLAIMS 35 USC §103
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August 27, 2003	NOTICE OF APPEAL FILED
November 11, 2003	APPEAL BRIEF FILED
April 16, 2004	NOTICE OF ABANDONMENT
May 14, 2004	PETITION TO WITHDRAW NOTICE OF ABANDONMENT
May 26, 2004	UNSIGNED DOCUMENT – WITH DRAWING THE ABANDONMENT REFERRING TO A “MAY 17, 2004” OFFICE ACTION (NOTICE OF ABANDONMENT – BUT WAS MAILED ON 4/16/04)
June 23, 2005	OFFICE ACTION RE 112 REJECTION
September 22, 2005	AMENDMENT
December 29, 2005	NEW OFFICE ACTION – NEW ART
March 29, 2006	AMENDMENT
June 14, 2006	FINAL REJECTION

Response to Rejection of Claims 1-16, 38-57 and 67-68 Under 35 U.S.C. § 102(b)

In the June 14, 2006 Office Action, the Examiner rejects Claims 1-16, 38-57, and 67-68 under 35 U.S.C. § 102(b) as being anticipated by The Gale Group 04103495 dated December 4, 1995 (“Gale”). This is precisely the same rejection was made in the December 29, 2005 office action. The merits of Applicant’s previous arguments have not been addressed.

Claim 1

As previously presented, independent Claim 1 recites (emphasis added):

17. A product configuration display system comprising:
 - a data center having a microprocessor operably connected to a storage media, said data center configured to be networked with at least a buyer terminal, said data center configured to receive at least one request to change a product presentation from said buyer terminal;
 - at least one three-dimensional representation of a first product stored in said storage media, said at least one three-dimensional representation of said first product capable of illustrating multiple perspective views of said first product by rotating said three-dimensional representation of the product; and**
 - a product display module operably connected to said storage media and configured to execute in said data center, said product display module including a definition of a product display screen accessible by said buyer terminal, said **product display module configured to receive a request to change a product presentation through said product display screen, said request comprising user-selected alterations of physical product**

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exterior/interior options, said product display module configured to display the changed product presentation comprising said user-selected alterations of physical product exterior/interior options in said product display screen by modifying said definition of the product display screen.

Claim limitations missing from the cited reference

Applicant submits that Gale does not disclose **“at least one three-dimensional representation of a first product stored in said storage media, said at least one three-dimensional representation of said first product capable of illustrating multiple perspective views of said first product by rotating said three-dimensional representation of the product”** or a **“product display module configured to receive a request to change a product presentation through said product display screen, said request comprising user-selected alterations of physical product exterior/interior options, said product display module configured to display the changed product presentation comprising said user-selected alterations of physical product exterior/interior options in said product display screen by modifying said definition of the product display screen”** as recited by Claim 1 (emphasis added). Applicant requests Examiner to more clearly state where, if anywhere, in Gale these elements are found. All Gale states is that

“In the new economy, consumers become involved in the actual production process. They can, for example, enter a new-car showroom and configure an automobile on the computer screen from a series of choices. Chrysler can produce special-order vehicles in 16 days. The customer creates the specs and set in motion the manufacture of a specific customized vehicle.” (Gale, page 3).

Gale only considers selecting options for an automobile using a display screen. As far as the Gale disclosure is concerned the configuring of an automobile may well be by text. That is selecting from a list of written options such that the selected automobile options are listed in text form. Gale does not make known creating a three-dimensional model of the automobile that is updated as different options are selected for the automobile. Gale contains only six lines that the Examiner considers relevant to Applicant’s application. These six lines do not come any where

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near disclosing the invention claimed in the application. Gale does not disclose “at least one three-dimensional representation of a first product stored in said storage media, said at least one three-dimensional representation of said first product capable of illustrating multiple perspective views of said first product by rotating said three-dimensional representation of the product” or a “product display module configured to receive a request to change a product presentation through said product display screen, said request comprising user-selected alterations of physical product exterior/interior options, said product display module configured to display the changed product presentation comprising said user-selected alterations of physical product exterior/interior options in said product display screen by modifying said definition of the product display screen.” Consequently, Gale does not disclose the system recited by Claim 1. Furthermore Claim 1 now adds the following which is also not shown in Gale: **“wherein the user-selected alteration of a physical product exterior/interior comprises a change in the exterior and/or interior three-dimensional shape of the product presentation.”**

Applicant submits that the limitations set forth in Claim 1 are not anticipated by Gale. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of Claim 1 and pass Claim 1 to allowance.

Claims 2-16

Claims 2-16 depend from Claim 1, so Claims 2-16 include all the limitations of Claim 1 as well as other limitations of particular utility. Therefore, for at least the reasons discussed above in regard to Claim 1, Claims 2-16 are patentably distinguished over Gale. Applicant respectfully requests that the Examiner withdraw the rejection of Claims 2-16 and pass these claims to allowance.

Claim 38

For reasons similar to those described above with respect to amended Claim 1, Applicant submits that Claim 38 includes limitations not disclosed by Gale. Furthermore Claim 38 now adds the following which is also not shown in Gale: **“including a change in the exterior and/or interior three-dimensional shape of the product presentation.”** Applicant therefore submits that Claim 38 is patentably distinguished over the cited prior art. Applicant respectfully requests that the Examiner withdraw the rejection of Claim 38 and pass Claim 38 to allowance.

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Claims 39-57

Claims 39-57 each depend from Claim 38, so each of Claims 39-57 includes all the limitations of Claim 38, as well as other limitations of particular utility. Therefore, for at least the reasons stated above with regard to Claim 38, Claims 39-57 are each patentably distinguished over Gale. Applicant respectfully requests that the Examiner withdraw the rejections of Claims 39-57 and pass these claims to allowance.

Claim 67

For reasons similar to those described above with respect to amended Claim 1, Applicant submits that Claim 67 includes limitations not disclosed by Gale. Furthermore Claim 67 now adds the following which is also not shown in Gale: **“wherein the user-selected alteration of physical product exterior/interior options comprises a change in the exterior and/or interior three-dimensional shape of one of the product presentations.”** Applicant therefore submits that Claim 67 is patentably distinguished over the cited prior art. Applicant respectfully requests that the Examiner withdraw the rejection of Claim 67 and pass Claim 67 to allowance.

Claim 68

Claim 68 depends from Claim 67, so Claim 68 includes all the limitations of Claim 67, as well as other limitations of particular utility. Therefore, for at least the reasons stated above with regard to Claim 67, Claim 68 is each patentably distinguished over Gale. Applicant respectfully requests that the Examiner withdraw the rejections of Claim 68 and pass these claims to allowance.

Claim 70

Claim 70 is a new claim which adds additional subject matter which is not disclosed in the cited reference.

Prosecution History

Applicant has received seven prior office actions regarding this application. The latest office action is the 8th office action. The art cited in this 8th office action is the same as that which was cited in the immediately previous office action and is substantially less relevant than the prior art cited in the prior six office actions. The reference cited in the current office action

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contains only six lines which are relevant to Applicant's application and these lines do not even come close to disclosing the claimed invention.

Summary

For the reasons stated above, Applicant submits that Claims 1-16, 38-57, 67, 68 and 70 are in condition for allowance, and Applicant respectfully requests such action.

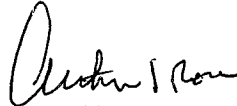
Should Examiner find that any of Claims 1-16, 38-57 and 67, 68 and 70 are not in condition for allowance, Applicant requests the Examiner to call the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 4/19/07

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